

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SHONECA DAVIS, DAWUD EUDELLE, JACLYN
PAGNOTTA, and DAVID POMALES, individually
and on behalf of all others similarly situated, and

KENNETH FINGERMAN,

Plaintiffs,

- against -

ABERCROMBIE & FITCH CO., ABERCROMBIE &
FITCH STORES, INC., ABERCROMBIE & FITCH
TRADING CO., d/b/a Abercrombie and Fitch,
Abercrombie, and Hollister and Ruehl,

Defendants.
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08 Civ 01859

ECF CASE

CLASS ACTION

SUPPLEMENTAL
AFFIRMATION OF
SHONECA DAVIS

SHONECA DAVIS, under penalty of perjury, affirms and states as follows:

1. I am a plaintiff in the above-captioned case and I submit this affirmation in further support of Class Plaintiffs' Motion for Preliminary Certification Pursuant to the Fair Labor Standards Act, for Court-Facilitated Notice to Similarly Situated Persons, and for Expedited Discovery, and in opposition to Defendants' Motion for Partial Dismissal of Plaintiffs' Complaint Pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure.

2. In September 2006, I noticed I was scheduled to work six eight-hour shifts in a week. Because I had been told that overtime would be paid at time and a half, but would never happen, I wrote to my supervisor, Hector Graciani and asked him if I was authorized to work overtime. A true and correct copy of this e-mail is attached as Exhibit 1.

3. Graciani replied that I had to work the extra shift but would not receive overtime; instead, I would be given an extra day off the following week. I did not in fact receive an extra day off the following week or any overtime payment.

4. In addition to the overtime described in my Affirmation dated July 8, 2008, I regularly worked through my lunch hour; I would estimate that this happened more than half the time.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 1, 2008 in New York, New York.

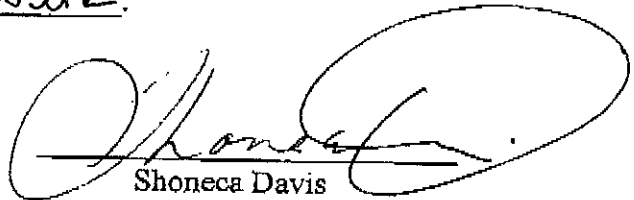

Shoneca Davis

EXHIBIT 1

Maia Goodell

From: PARIS DAVIS [duvre75@yahoo.com]
Sent: Monday, September 04, 2006 12:58 PM
To: Hector_Graciani@abercrombie.com
Subject: Re: Schedule "INVENTORY" updates

Hey Hector,

I hope all is well ,hope you enjoyed your vacation. On the schedule begining October 1st, I am only scheduled one day off.Is this a mistake or am I allowed to work overtime.If so , you may keep the schedule as is.

Hector_Graciani@abercrombie.com wrote:

Team

Here is the updated schedule for the INVENTORY we all will be helping out allot to ensure all goes smoothly please contact your LPM with any questions in regards to dates and stores, some of us are going to be helping out in stores outside of our assigned ones but remember we are all one Region.



Hector Graciani
Loss Prevention Manager
614.354.7783 (direct)
81562 (VM Only)
hector_graciani@abercrombie.com

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9/1/2008